

Summary
Water Pollution Control Board
Indiana Government Center North
Conference Room C
Indianapolis, Indiana
Wednesday, July 27, 2011

1. CALL TO ORDER

Chairman Gary Powdrill called the meeting to order at 10:00 a.m. A quorum was present.

Members present: Gary Powdrill; Robert Warnock; Dennis Wene; Ken Hedge; Dave Wagner; Pam Fisher; Mike Neyer; Brandon Seitz; and Deborah Albright.

Present for IDEM: Commissioner Thomas Easterly; Bruno Pigott, Assistant Commissioner, Office of Water Quality (OWQ); Martha Clark Mettler, Deputy Assistant Commissioner, OWQ; MaryAnn Stevens, Rulewriter, Rules Development Section, Office of Legal Council (OLC); and Nancy King, Branch Chief, Rules Development Section, OLC.

2. INTRODUCTION OF BOARD MEMBERS

Chairman Powdrill asked the board members to introduce themselves and their affiliations.

3. APPROVAL OF SUMMARY

Chairman Powdrill called for approval of the June 8, 2011, meeting summary. A motion was made and duly seconded to approve the meeting summary. The board voted unanimously to approve the June 8, 2011, summary without changes.

4. REPORTS

- Lake Nutrients – Mr. Bruno Pigott reported that the agency is forming a workgroup for this rulemaking.
- NPDES Permit Backlog Report – Mr. Pigott gave an overview status of the NPDES Permit Backlog Report Card.

5. RULE ACTIONS

LSA #08-764 Antidegradation

Chairman Powdrill opened the public hearing to consider preliminary adoption of the Antidegradation Rule. He introduced Exhibit A, draft rule, into the record.

Ms. MaryAnn Stevens spoke for the agency. She gave the history of the antidegradation rulemaking and explained what specific issues had been addressed within the proposed draft.

Prior to the public commenters speaking, Chairman Powdrill called on Dr. Bill Beranek, Indiana Environmental Institute, to provide additional information about the topic.

Chairman Powdrill, thereafter, called on the public commenters:

Mr. Bill Wagner, Attorney, Water Quality Coalition & Indiana Manufacturers Association; Mr. Bowden Quinn, Sierra Club Hoosier Chapter; Mr. Vince Griffin, Indiana Chamber of Commerce; Mr. Joe Miller, Rose Acre Farms; Mr. Richard Miller, Conservation Chair, Hoosier Chapter Sierra Club; Mr. Tim Maloney, Hoosier Environmental Council; Mr. Patrick Bennett, Indiana Manufacturers Association; Mr. Jeffrey Hyman, Conservation Law Center; Mr. Josh Trenary, Indiana Pork Advocacy; Mr. Albert Ettinger, private citizen; Mr. John Humes, Hoosier Energy Rural Electric

Cooperative & Indiana Utility Group; Mr. Fred Andes, Barnes & Thornburg; Mr. Justin Schneider, Indiana Farm Bureau, Inc.; Mr. Rick Wajda, Indiana Builders Association; and Ms. Kay Nelson, Northwest Indiana Forum.

The public hearing concluded.

Chairman Powdrill called for a board discussion. The board members discussed at length the concerns brought forth by the public commenters. They subsequently asked IDEM for clarification on various aspects of the draft rule language. Mr. Wagner made a motion to have himself and another board member work with the agency to provide clarification on the issues discussed and then bring the revised rule back for full board consideration at the September 14 board meeting. Prior to the vote, Ms. King explained the options available to the board under IC 13-14-9-5.

Chairman Powdrill called for a voice vote that was followed with a roll call vote. The board members voted 5 to 3 in favor of delaying the preliminary adoption of the antidegradation draft rule until the next water board meeting. The board returned the draft to IDEM to make additional changes that were raised during the board discussion. Chairman Powdrill asked that commenters provide their written comments to IDEM by Friday, July 29 so that they could be used to make amendments to the draft rules.

In addition, Ms. Kay Nelson asked if it would be possible to hold the September water board meeting in a webcast conference room so that other concerned citizens living in remote areas could participate.

6. OPEN FORUM

There was none.

9. ADJOURNMENT

The next meeting is tentatively scheduled for 1:30 p.m. EDT on Wednesday, September 14, 2011, at the Indiana Government Center South Conference Rooms 1& 2. Chairman Powdrill adjourned the meeting at 12:25 p.m.

CHAIRPERSON

The summary is derived from Rules Development Branch staff members' notes; however, a court reporter recorded this meeting. A typewritten transcript of the entire meeting is on file in the Office of Legal Counsel, Indiana Department of Environmental Management. To view approved summaries or minutes, you may go online to <http://www.in.gov/idem/4707.htm>.